IN THE HIGH COURT OF PUNJAB HARYANA CHANDIGARH

C.W.P.No.5119 of 2007
Date of decision: 28-5-2007

Prithvi Singh and another — Petitioners

Versus

The State of Haryana and others — Respondents

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Shri Arvind Singh, Advocate, for the petitioner

Shri Ashish Kapoor, Additional Advocate General Haryana

K.S.GAREWAL,J.

Prithvi Singh and others own land in Khanpur, District Kurukshetra. On February 22, 2007 a notification was issued under Section 4 read with Section 17 of the Land Acquisition Act for the acquisition of a narrow strip of land about 28.506 meters in width and 4084 metres in length. This passed through the petitioners' land and bifurcated it into two parcels. The stated purpose was construction of the Shahbad Distributory. Since the urgency provisions had been invoked, no objections were invited and the declaration under Section 6 followed on February 28, 2007.

The petitioners got no opportunity to show that the alignment of the land could be varied a little whereby the petitioners land could be saved from being split into two blocks.

The site plan Annexure P-3 shows that the alignment of the distributory is such that it passes between field 452 and 451 and then

between 453 and 450, 454 and 458 and 455 and 457 before entering the next village.

According to the petitioner the earlier the alignment was on the other side of field 423, 452, 453,454 and 455 but this was changed and was shifted to pass between field 452 and 451. The petitioners' fields were earlier accessible through a passage used for a long time, the new alignment would obliterate this passage.

XEN, Kurukshetra was present in court and he was asked to assist us and explain the various alignments. He referred to Annexure R-1 and stated that this was the more accurate plan. This plan showed that a service road ran parallel to the water channel. The village path was on the other side of the water channel. The service road and the village path were connected with a 14 ft wide bridge. Therefore, the complaint of the petitioner stood redressed and he could use the village path, the bridge and the service road to approach the fields which were on the other side of the channel.

We are convinced that the alignment as described in Annxure R-1 is viable and should not be changed. In any case changing alignment of roads, canals and railway lines is never easy. A change at one point leads to its dislocation of landowners at other places and this snow balls on the entire route which the water channel is going to take. Therefore, we do not intend to interfere in this petition by changing alignment since we feel that proposed plan Shahbad Distributory Annexure R-1 is viable and should not be disturbed.

If the petitioner has to incur extra expenses on pipe lines to

irrigate his fields, he can certainly make a claim for compensation in respect of this item of expenditure.

Resultantly, this petition is dismissed.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

May 28, 2007
RSK